

BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF SOUGHT: An Order for Disbursement of Escrowed Funds ☐
(and Authorization for Direct Payment of Royalties)

JURISDICTION: Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: AX111

TRACT(S): 1, 4, A portion of 5

LOCATION: RUSSELL County, Virginia

DOCKET NUMBER: VGOB-01-0320-0873-02

APPLICANTS: CNX Gas Company LLC on behalf of Buckhorn Coal Company, CNX Gas Company LLC,
Gent Enterprises

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia ☐
May 20, 2014

APPEARANCES: Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 04/26/2001, Recorded on 05/02/2001, Deed Book/Instrument No. 525, Page 1.
2. Supplemental Order Executed 07/26/2001, Recorded on 08/08/2001, Deed Book/Instrument No. 532, Page 310.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the May 20, 2014 hearing and considered whether to:

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(1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 1, 4, A portion of 5 identified in the attached petition.

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 1, 4, A portion of 5 relative to the interests of the Applicants identified in the attached petition.

(3) Continue the escrow account under this docket number.

FINDINGS: Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

Under Case #CL10000662-00, executed May 12, 2011, the Circuit Court of Russell County clarified the conveyances from the Rasnakes to the Gents in DB 223/PG53, dated 10/26/1970. The conveyances included all right and title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc., which allows the interest to be paid under the terms of the royalty split agreement previously executed by the parties. Buckhorn Coal Company and Gent Enterprises, LLC; Buckhorn Coal Company and CNX Gas Company LLC have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1, further, specifies how said royalties are to be divided and paid.

RELIEF GRANTED:

VGOB Disbursement

Unit AX111

VGOB-01-0320-0873-02

Table 1

Tracts: 1, 4, A portion of 5

			Fractional Ownership	Net Acreage Ownership	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed
			in Tract	inTract			
Item	Tract	Disbursement Table					
		Total acreage in escrow before disbursement				45.71000	
1 Tract 1 (total acreage)			13.22				
1	1	Buckhorn Coal Company\PO Box 187, Tazewell, VA 24651		13.2200	50.00%	6.6100	14.4607%
2	1	Gent Enterprises\P.O. Box 330, Honaker, VA 24260		13.2200	50.00%	6.6100	14.4607%

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4		Tract 4 (total acreage)	7.21				
1	4	Buckhorn Coal Company\PO Box 187, Tazewell, VA 24651		7.2100	50.00%	3.6050	7.8867%
2	4	CNX Gas Company LLC\2481 John Nash Blvd. Bluefield, VA 24605		7.2100	50.00%	3.6050	7.8867%
5		Tract 5 (total acreage)	12.10				
1	5	Buckhorn Coal Company\PO Box 187, Tazewell, VA 24651	7/8	10.5875	50.00%	5.2938	11.5812%
2	5	Gent Enterprises\P.O. Box 330, Honaker, VA 24260	7/8	10.5875	50.00%	5.2938	11.5812%

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.

2. The Escrow Agent is ordered to continue the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

APPEALS:

Appeals of this Order are governed by the provisions of the Code of Virginia § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

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DONE AND EXECUTED this 30th day of May, 2014, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley Lambert, Chairman

DONE AND EXECUTED this 30th day of MAY, 2014, by a majority of the Virginia Gas and Oil Board.

Rick Cooper
Rick Cooper
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF RUSSELL:

Acknowledged this 30th day of May, 2014, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board and Rick Cooper being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed same and were authorized to do so.

Sarah Jesse Gilmer
Sarah J. Gilmer

My Commission Expires July 31, 2017



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 01-0320-0873-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 1, 4, A portion
of 5

HEARING DATE: May 20, 2014

(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

DRILLING UNIT: AX111

RUSSELL COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd, Bluefield, WV 24701, (304)323-6500. Petitioner's counsel is Mark A. Swartz, Swartz Law Offices, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808..

2. Relief Sought

(1) Division of Tract 1 due to a title update resulting in two tracts labeled on the revised Exhibit A ("Plat") and Tract Identification Page as Tract 1 and new Tract 5; and (2) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1, 4, & 5 as depicted upon the annexed Table 1; and (3) authorization to begin paying royalties directly to the parties to the royalty split between Buckhorn Coal Company and Gent Enterprises, LLC; Buckhorn Coal Company and CNX Gas Company LLC

3. Legal Authority

Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. Type of Well(s)

Coalbed Methane

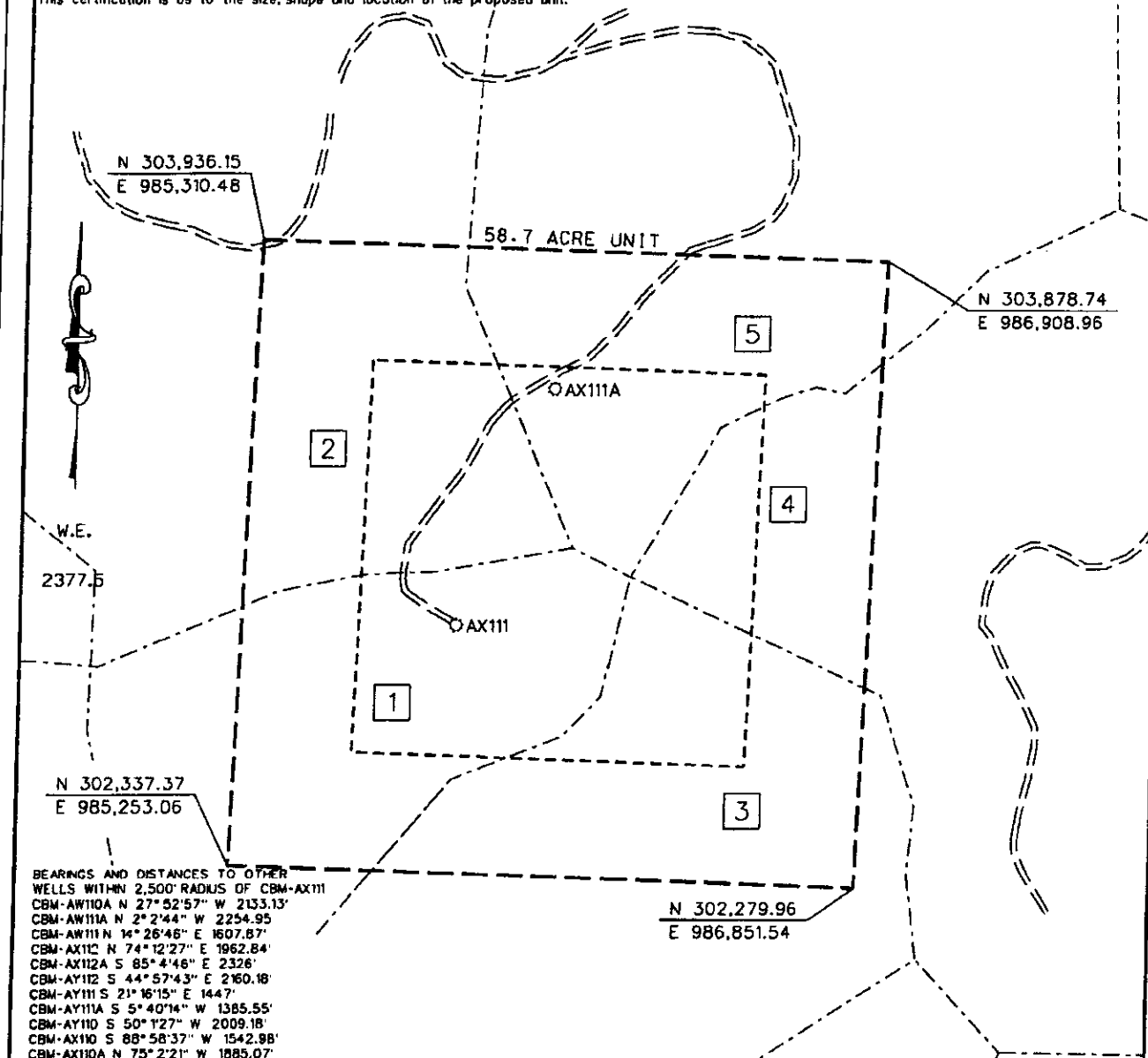
5. Factual basis for relief requested

Under Case #CL10000662-00, executed May 12, 2011, the Circuit Court of Russell County clarified the conveyances from the Rasnakes to the Gents in DB 223/PG53, dated 10/26/1970. The conveyances included all right and title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc., which allows the interest to be paid under the terms of the royalty split agreement previously executed by the parties. Buckhorn Coal Company and Gent Enterprises, LLC; Buckhorn Coal Company and CNX Gas Company LLC have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1, further, specifies how said royalties are to be divided and paid.

6. Attestation

The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

Property lines shown on this plat were provided by CNX Gas Company LLC and were taken from deed descriptions and chains of title of record. This does not represent a current boundary survey. This certification is as to the size, shape and location of the proposed unit.



Digitally signed by Stephen E Maxfield
 DN: c=US, o=idenTrust ACES
 Business Representative, ou=D. R.
 PRICE ENGINEERING AND LAND
 SURVEYING INC PC, cn=Stephen E
 Maxfield,
 0.9.2342.19200300.100.1.1=A0109
 80000001384DEE1AFB000057FD
 Date: 2014.04.09 08:58:08 -04'00'

EXHIBIT A
 MIDDLE RIDGE FIELD
 UNIT AX111
 FORCE POOLING
 VGOB-01-0320-0873-02

Company CNX Gas Company LLC Well Name and Number UNIT AX111
 Tract No. _____ Elevation _____ Quadrangle HONAKER
 County RUSSELL District NEW GARDEN Scale: 1" = 400' Date _____
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GD-7
 Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

CNX Gas Company LLC**Unit AX111****Tract Identifications****(58.7 Acre Unit)**

1. **Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Gent Enterprises, LLC –Oil and Gas
CNX Gas Company LLC - Oil, Gas and CBM Leased
Michael Whited OR Gent Enterprises, LLC – Surface
13.22 Acres 22.5213%**
2. **Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Michael Whited, et al – Oil and Gas
CNX Gas Company LLC – Oil, Gas and CBM Leased
Michael Whited – Surface
12.99 Acres 22.1295%**
3. **Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Michael Whited, et al OR Elijah Stacy Heirs –Oil and Gas
CNX Gas Company LLC - Oil, Gas and CBM Leased
Michael Whited OR Elijah Stacy Heirs –Surface
13.18 Acres 22.4531%**
4. **Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
CNX Gas Company LLC – Oil and Gas
Consolidation Coal Company - Surface
7.21 Acres 12.2828%**
5. **Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Heirs, Devisees, Successors or Assigns of Dr. L. M. Harrison OR Gent Enterprises, LLC -
Oil and Gas (1/8)
Gent Enterprises, LLC – Oil and Gas (7/8)
CNX Gas Company LLC – Oil, Gas and CBM Leased (7/8)
Michael Whited OR Gent Enterprises, LLC – Surface
12.10 Acres 20.6133%**

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

VGOB Disbursement
Unit AX111

VGOB-01-0320-0873-02

Table 1
Tracts: 1, 4, A portion of 5

			Fractional	Net Acreage	Royalty	Escrowed	Percent of	Disbursement
			Ownership	Ownership	Split	Acres	Escrowed	
			in Tract	inTract	Agreement	Disbursed	Disbursed	
Item	Tract	Disbursement Table						
		Total acreage in escrow before disbursement				45.71000		
1 Tract 1 (total acreage)			13.22					
1	1	Buckhorn Coal Company\PO Box 187, Tazewell, VA 24651		13.2200	50.00%	6.6100	14.4607%	\$10,724.93
2	1	Gent Enterprises\P.O. Box 330, Honaker, VA 24260		13.2200	50.00%	6.6100	14.4607%	\$10,724.93
4 Tract 4 (total acreage)			7.21					
1	4	Buckhorn Coal Company\PO Box 187, Tazewell, VA 24651		7.2100	50.00%	3.6050	7.8867%	\$5,849.22
2	4	CNX Gas Company LLC\2481 John Nash Blvd. Bluefield, VA 24605		7.2100	50.00%	3.6050	7.8867%	\$5,849.22
5 Tract 5 (total acreage)			12.10					
1	5	Buckhorn Coal Company\PO Box 187, Tazewell, VA 24651	7/8	10.5875	50.00%	5.2938	11.5812%	\$8,589.27
2	5	Gent Enterprises\P.O. Box 330, Honaker, VA 24260	7/8	10.5875	50.00%	5.2938	11.5812%	\$8,589.27

Wells contributing to the escrow account: PGP AX111 W/PL, CBM AX111A W/PL

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Exhibit E
Unit AX111
Docket #VGOB-01-0320-0873-02
List of Conflicting Owners/Claimants that require escrow
(58.70 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #3, 13.18 acres</u>		
<i>Escrow due to Title Conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) P. O. Box 187 Tazewell, VA 24851	13.18 acres	22.4531%
<u>OIL & GAS OWNERSHIP</u>		
(1) Michael Whited et al. (Previously Columbus Earl Whited)	13.18 acres	22.4531%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.32 acres 1/10 of 13.18 acres	2.2453%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260	2.37 acres 9/50 of 13.18 acres	4.0416%
(c) Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	2.37 acres 9/50 of 13.18 acres	4.0416%
(d) Marty Whited PO Box 881 Lebanon, VA 24266-0881	2.37 acres 9/50 of 13.18 acres	4.0416%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.37 acres 9/50 of 13.18 acres	4.0416%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.37 acres 9/50 of 13.18 acres	4.0416%
(OR)		
(1) Elijah & Zella Stacy Heirs, Devisees, Successors or Assigns	13.18 acres	22.4531%
(a) Fayne E. Stacy 209 Windham Lane Mars, PA 16046	4.39 acres 1/3 of 13.18 acres	7.4844%
(b) Nancy Stacy 2830 German Town Road Oakton, VA 22124	2.20 acres 1/6 of 13.18 acres	3.7422%
(c) Janice Shortridge 9966 Longford Court Veina, VA 22180	2.20 acres 1/6 of 13.18 acres	3.7422%
(d) Myra J. Stacy, widow 2611 Stoneridge Court Arlington, TX 76014	Life Estate	
(e) Alan Stacy 2611 Stoneridge Court Arlington, TX 76014	4.39 acres 1/3 of 13.18 acres	7.4844%

Exhibit E
Unit AX111
Docket #VGOB-01-0320-0873-02
List of Conflicting Owners/Claimants that require escrow
(58.70 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #5, 12.10 acres</u>		
<i>Escrow due to Title Conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) P. O. Box 187 Tazewell, VA 24651	12.10 acres	20.6133%
<u>OIL & GAS OWNERSHIP</u>		
(1) Gent Enterprises, et al (54 Acre Tract) (Previously shown as a title conflict between Michael Whited, et al, Dr L.M. Harrison Heirs or Gent Enterprises, LLC)	12.10 acres	20.6133%
(a) Dr. L.M. Harrison, Heirs, Devisees, Successors or Assigns Heirs / Addresses Unknown	1.51 acres 1/8 of 12.10 acres	2.5767%
-OR-		
(a) Gent Enterprises, LLC. P.O. Box 330 Honaker, VA 24260	1.51 acres 1/8 of 12.10 acres	2.5767%
Total Acreage in Conflict		14.6925
Total Percentage in Conflict		25.0298%

Exhibit EE
Unit AX111
Docket #VGOB-01-0320-0873-02
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.70 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
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Tract #1, 13.22 acres

COAL OWNERSHIP

(1)	Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) P. O. Box 187 Tazewell, VA 24651	13.22 acres	22.5213%	14.4607%
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OIL & GAS OWNERSHIP

(1)	Gent Enterprises, LLC. (50 Acre Tract) P.O. Box 330 Honaker, VA 24260 (Previously listed as a title conflict between Michael Whited, or Gent Enterprises, LLC)	13.22 acres	22.5213%	14.4607%
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Under Case #CL10000662-00, executed May 12, 2011, the Court of Russell County clarified the conveyances from the Rasnakes to the Gents in DB 223/ PG 53, dated 10/26/70 included all right, title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc.

Royalties can be paid based on the royalty agreement between Buckhorn / Gent Enterprises

Tract #2, 12.99 acres

COAL OWNERSHIP

(1)	Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) P. O. Box 187 Tazewell, VA 24651	12.99 acres	22.1295%	
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OIL & GAS OWNERSHIP

(1)	Michael Whited et al. (Previously Columbus Earl Whited)	12.99 acres	22.1295%	
(a)	Michael Whited PO Box 297 Swords Creek, VA 24696	1.30 acres 1/10 of 12.99 acres	2.2129%	
(b)	Ferrell Whited PO Box 1471 Honaker, VA 24260	2.34 acres 9/50 of 12.99 acres	3.9833%	
(c)	Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	2.34 acres 9/50 of 12.99 acres	3.9833%	
(d)	Marty Whited PO Box 881 Lebanon, VA 24266-0881	2.34 acres 9/50 of 12.99 acres	3.9833%	
(e)	Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.34 acres 9/50 of 12.99 acres	3.9833%	
(f)	Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.34 acres 9/50 of 12.99 acres	3.9833%	

Tract #4, 7.21 acres

COAL OWNERSHIP

(1)	Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) P. O. Box 187 Tazewell, VA 24651	7.21 acres	12.2828%	7.8867%
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Exhibit EE
Unit AX111
Docket #VGOB-01-0320-0873-02
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.70 Acre Unit)

		Acres in Unit	Interest in Unit	Percent of Escrow
<u>OIL & GAS OWNERSHIP</u>				
(1)	CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701 <i>(previously Earl Whited or Dr. LM Harrison Heirs or Ellen Brown Heirs)</i>	7.21 acres	12.2828%	7.8867%
<i>By decree entered in Russell Co. Chancery File #CH02-88 conveyed oil & gas interest to CNX Gas in its entirety. Deed entered Sept. 18, 2003 and recorded in Russell County under DB 595/PG 103. In addition, Earl Whited did not appear in the chain of title and was listed as a claimant in error.</i>				

Tract #5, 12.10 acres

COAL OWNERSHIP

(1)	Buckhorn Coal Company <i>(Jacob Fuller 453 Acre Tract)</i> P. O. Box 187 Tazewell, VA 24651	12.10 acres	20.6133%	11.5812%
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OIL & GAS OWNERSHIP

(1)	Gent Enterprises, et al <i>(54 Acre Tract)</i> <i>(Previously shown as a title conflict between Michael Whited, et al, Dr L.M. Harrison Heirs or Gent Enterprises, LLC)</i>	12.10 acres	20.6133%	
(2)	Gent Enterprises, LLC P.O. Box 330 Honaker, VA 24260	10.59 acres 7/8 of 12.10 acres	18.0366%	11.5812%

Under Case #CL10000662-00, executed May 12, 2011, the Court of Russell County clarified the conveyances from the Rasnakes to the Gents in DB 223/ PG 53, dated 10/26/70 included all right, title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc.

Royalties can be paid based on the royalty agreement between Buckhorn / Gent Enterprises for the 7/8 portion

Total Acreage Resolved	48.8975	
Total Percentage Resolved		83.3007%

VIRGINIA: IN THE CIRCUIT COURT OF RUSSELL COUNTY**GENT ENTERPRISES, LLC,.....PLAINTIFF,****vs. Case No.: CL10000662-00****RALPH SNEAD, ADMINISTRATOR
C.T.A. FOR THE ESTATE OF
COLUMBUS EARL WHITED, et als,.....DEFENDANTS.****FINAL ORDER**

THIS ACTION CAME ON TO BE HEARD, upon the Plaintiff's Complaint herein;
upon service of process upon Herald Whited, in person, on November 1, 2010, upon
Marty Whited by posting on November 1, 2010, upon Ferrell Whited, in person, on
November 1, 2010, upon Kathy Ward, by posting, on October 14, 2010, upon Melissa
Skeens, by posting, on October 14, 2010, on Michael Whited, by posting, on
November 14, 2010, upon Ralph Snead, Administrator CTA of the Estate of
Columbus Earl Whited, in person on October 18, 2010; upon answers filed herein on
behalf of Ralph Snead, Administrator CTA of the Estate of Columbus Earl Whited,
by Stephen M. Quillen, Esq. on January 11, 2011, by answer filed on behalf of
Michael Whited, on November 10, 2010, by his attorney, James T. Shortt, II, Esq.;
upon answers pro se filed by Melissa Skeens on 11/15/10, by Ferrell Whited on
11/19/10, and by Herald Whited on 11/19/10; and upon Plaintiff's Notice of Trial
herein filed and mailed to counsel of record on February 8, 2011, upon the Plaintiff's
Notice of Trial giving ten (10) days of notice for judgment of default to Marty Whited

and Kathy Ward by counsel for the Plaintiff on January 6, 2011; upon Notice of trial date given to all pro se Defendants and the Defendants in default by counsel for the Plaintiff on April 19, 2011; upon the Counter-Claim of Michael Whited herein filed on March 24, 2011; upon the Plaintiff's Motion to Dismiss the Defendant's Counter-Claim and Demurrer to the Defendant's Counter-Claim herein filed on April 11, 2011; and upon the trial of this action held on April 29, 2011, and was argued by counsel.

WHEREUPON, the Court first proceeded to hear, pre-trial, the Defendant's Motion for Continuance and Plaintiff's Motion to Dismiss the Defendant's Counter-Claim, after having considered arguments upon both Motions, and finding it proper so to do, it is

ADJUDGED, ORDERED, AND DECREED THAT the Defendant's Counter-Claim be, and the same is hereby dismissed and the Defendant's Motion for Continuance is denied.

THEREUPON, the Plaintiff presented its evidence consisting of the testimony of Charles Gent and documents entered into evidence as Plaintiff's Exhibits 2-4; and rested.

The Defendants then presented the testimony of Michael Whited, with documents consisting of receipts for payment of taxes admitted as Defendant's Exhibit 1.

The Plaintiff offered in rebuttal the testimony of Harvey Gent and mineral tax

receipts for payments of taxes upon the property that is the subject of this action, admitted as Plaintiff's Exhibit 5.

WHEREUPON, the Court, having considered the evidence of the Plaintiff and Defendant, the argument of counsel, and having reviewed the Deed from Mike Rasnake and Peggy Rasnake to R. W. Gent, R. F. Gent, and C. H. Gent dated October 26, 1970 and found of record in the Office of the Clerk of this Court in Deed Book 223, at page 53, and having reviewed the deed from Mike and Peggy Rasnake to Earl Whited dated October 19, 1972, found of record in the Office of the Clerk of this Court in Deed Book 235, at page 525; it is

ADJUDGED, ORDERED, AND DECREED THAT the deed from Mike Rasnake and Peggy Rasnake to R. W. Gent, et al, dated October 26, 1970 and recorded in Deed Book 223, at page 53 is prior in time, and therefore in right to the later deed from Mike Rasnake and Peggy Rasnake to Earl Whited, dated October 19, 1972 and found of record in Deed Book 235, at page 525 and that accordingly the aforesaid deed from the Rasnakes to the Gents dated October 26, 1970 and found of record in Deed Book 223, at page 53, conveyed all of the right, title, and interest of Mike Rasnake and Peggy Rasnake and their predecessors in title in and to all oil, gas (including coalbed methane gas and deep gas), minerals (other than coal), and timber, along with the other surface rights pertaining to mining, wheelage, prospecting, exploration, and otherwise as set forth in Deed Book 223, pages 54 to

Deed Book 223, page 57 to R. W. Gent, R. F. Gent, and C. H. Gent, predecessors in title to Gent Enterprises, LLC, which rights have, by conveyance in the chain of title since 1970, vested in Gent Enterprises, LLC, the Plaintiff herein.

It is further **ADJUDGED, ORDERED, AND DECREED THAT** the deed from Mike Rasnake and Peggy Rasnake to Earl Whited dated October 19, 1972, found of record in Deed Book 235, at page 525 operates to convey only the rights to use the real estate described therein, which is the same real estate as described in the earlier deed to the Gents, above referenced, for agricultural purposes only so long as such use does not interfere with the rights granted to the Gents by the above referenced deed of October 26, 1970, found of record in the Office of the Clerk of this Court in Deed Book 223, at page 53, such rights being the only rights which at the time of such conveyance, the Rasnakes had to convey, and which rights, in accordance with the holding of this Court, expressly do not include any rights to oil, gas (both coalbed methane gas and deed gas) minerals (except for coal) and any of the other above stated rights conveyed to the Gents by the aforesaid October 26, 1970-deed; which rights under the Last Will and Testament of Columbus Earl Whited are now vested in the Defendant, Michael Whited. *This matter is ended.*

The Clerk is directed to record this Order in the Land Records for Russell County. *MM*

REQUESTED:



Of Counsel for the Plaintiff, Gent Enterprises, LLC

Page Number 17.

SEEN:

Jonathan Smith
Of Counsel for Michael White

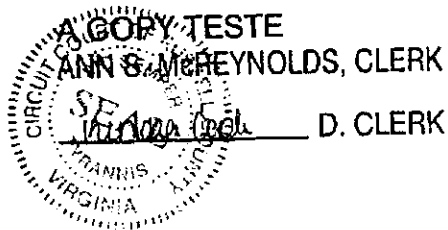
SEEN:

Stephen M. Sullivan
Of Counsel for Ralph Snead, Administrator, CTA of the
Last Will and Testament of Columbus Earl White

Signature of Pro Se Defendants dispensed with per Rule 1:13 of the Rules of the
Supreme Court of Virginia

ENTER: this the 12th day of May, 2011

Michael J. Moore
JUDGE



1101260

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 5-13, 2011. This deed was this day
presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:38 o'clock P M, after payment of
\$ — tax imposed by Sec. 58.1-802.

Original returned this date to: In Court File BY: Ann S. McReynolds D. CLERK

5

1401393

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 7-16, 2014. This deed was this day
presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 4:19 o'clock P M, after
payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Sarah Gilmer BY: Ann S. McReynolds D. CLERK